

REMARKS

Reconsideration of the above-identified patent application, as amended, is respectfully requested.

Claims 1-4 and 6-8 are pending in the application. Of these, only claim 1 is independent.

In the Office Action dated March 10, 2005, the Examiner required that an Abstract of the Disclosure be added to the application. Accordingly, a new Abstract of the Disclosure is appended hereto as the last page of this Amendment.

In the Office Action dated March 10, 2005, the Examiner required a statement on the first line of the Specification that the current application is a national stage application. Accordingly, the Specification has been amended as required by the Examiner.

In the Office Action dated March 10, 2005, the Examiner rejected various of the claims under 35 U.S.C. 102(b) as being anticipated by one or more of the following references: JP 11-130141A (Toyo, "JP '141"), EP 0329336 (Balloni, "EP '336"), EP 0096581 (Misasa, "EP '581"), and US 3,291,377 (Eggen, "US '377"). However, for the reasons presented below, it is believed that the claims are neither anticipated nor rendered unpatentable by this prior art.

By means of the present Amendment, claim 1 has been amended to incorporate the limitations of claim 5. Accordingly, claim 1 now claims a foil which comprises first and second aluminum layers, the second layer being in the form of an aluminum foil, and an extrusion-lamination layer of a tear-resistant polymer. However, it is submitted that none of the prior art of record discloses or suggests this combination of features.

In particular, JP '141, discloses a foil which can be used for packagings comprising an outer layer of an aluminum material having a thickness of 10 to 30 μm and an inner layer of an aluminum material having a thickness of 12 to 60 μm . Furthermore, between both layers a resin layer of a tear-resistant polymer is provided. However, JP '141 does not disclose or suggest a foil comprising an extrusion-lamination layer of a tear-resistant polymer as recited in claim 1.

The same deficiency applies to EP '336, EP '581, and US '377, all of which disclose a foil which can be used for food packaging with at least first and second layers of aluminum material, and a layer of a tear-resistant polymer therebetween. However, none of these references discloses or suggests an extrusion-lamination layer of a tear-resistant polymer as recited in claim 1.

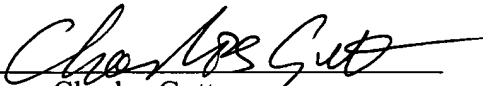
Providing an extrusion lamination layer made from a tear-resistant polymer has the advantage that it ensures a secure bond between the extrusion-lamination layer of tear-resistant polymer and the layer of aluminum material (specification, at page 4, paragraph 3). In other words, the foil for food packaging according to the present invention receives its special characteristics, that is, very good penetration strength and easy further processability of prefabricated foil section, because the polymer layer is directly laminated onto the aluminum foil during its extrusion and not – as known from the prior art – by extrusion of the polymer layer in a first step and thereafter attaching it to an aluminum foil in a subsequent second step.

Accordingly, it is submitted that claim 1 and all the claims which depend from it are neither disclosed nor suggested by the prior art of record.

In view of the foregoing, it is believed the application is now in condition for allowance,
and a favorable action on the merits is respectfully requested.

Respectfully submitted,

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Attachments: Abstract of the Disclosure
Second Information Disclosure Statement
Request for Extension of Time